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D377/AP6D-2

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FACSIMILE COVER SHEET

SEP 14 2005

DATE: September 14, 2005

To: **Commissioner**  
**United States Patent and Trademark Office**

FROM: Kelly J. McCrystle  
Patents and Trademarks  
D-0377, AP6D-2  
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PHONE NUMBER OF TELECOPY MACHINE: (571)-273-8300

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 11

MESSAGE:

U.S. Application No.: 10/027,681

Filed: December 21, 2001

Title: SUTURE TRIMMER

Case No.: 6891.US.O1

Enclosed herewith for the patent application identified above is the following:

1. Amendment - (3 pages)
2. Petition Under 37 CFR 1.137(b) (2 pages, in duplicate)
3. Fax cover sheet/transmittal letter - (2 pages)
4. Request for Continued Examination (1 page)

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PTO/SB/21 (09-04)

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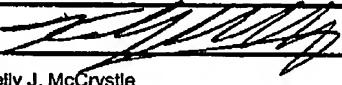
Total Number of Pages in This Submission

	Application Number	10/027,681
	Filing Date	12/21/2001
	First Named Inventor	T. Daniel Gross
	Art Unit	3731
	Examiner Name	Jackson, Gary
Total Number of Pages in This Submission	11	Attorney Docket Number

### ENCLOSURES (Check all that apply)

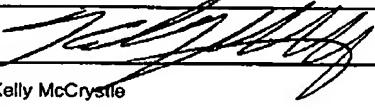
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Request for Continued Examination (PTO/SB/30)
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Abbott Laboratories		
Signature			
Printed name	Kelly J. McCrystle		
Date	9/14/2005	Reg. No.	46,257

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Kelly McCrystle	Date	9/14/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE SEP 14 2005**  
**APPLICANT: T. Daniel Gross**

SERIAL No.: 10/027,681

FILED: December 21, 2001

FOR: SUTURE TRIMMER

ATTORNEY DOCKET NO.: 6891.US.O1

Group Art No.: 3731

Examiner: Jackson, Gary

**Certificate of Facsimile Transmission under 37 CFR §1.8(a):**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile, said transmission to be completed before midnight Easter time on the date shown below, addressed to the following recipient:

Commissioner for Patents  
 Attn: Examiner: Jackson, Gary  
 Group Art Unit: 3731  
 Recipient telefax number (571) 273-8300  
 Date of Fax Transmission: 9/14/2005

  
 Kelly J. McCrystle Date

**Renewed Petition Under 37 CFR 1.137(b)**

Mail Stop PETITION  
 Commissioner For Patents  
 PO BOX 1450  
 Alexandria, VA. 22313-1450

Dear Sir:

Enclosed herewith for the above-referenced patent application are the following documents:

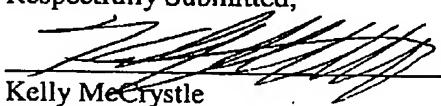
- 1) Amendment - (3 pages)
- 2) Petition Under 37 CFR 1.137(b) (2 pages, in duplicate)
- 3) Fax cover sheet/transmittal letter - (2 pages)
- 4) Request for Continued Examination (1 page)

Applicants previously submitted a petition under 37 CFR 1.137(b) on March 15, 2003, wherein Applicants included a response to the outstanding action in addition to the petition. The response submitted failed to place the application in *prima facia* condition for allowance and therefore the petition was dismissed.

Applicants hereby submit a Renewed Petition under 37 CFR 1.137(b), wherein Applicants have included a Request for Continued Examination as well as an amendment under 37 CFR 1.114. Applicants believe that the papers submitted herewith place the petition in condition to be granted.

If any questions are raised through these papers, the undersigned may be reached at (650)-474-3326

Respectfully Submitted,

  
 Kelly McCrystle  
 Reg. No. 46,257  
 Attorney for Applicants

PTO/SB/64 (07-05)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
6891.US.O1

First named inventor: T. Daniel Gross

Application No.: 10/027,681

Art Unit: 3731

Filed: 12/21/2001

Examiner: Jackson, Gary

Title: SUTURE TRIMMER

**RECEIVED  
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Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
 Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in the form of Request for Continued Examination (identify type of reply):

- has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 09/16/2005 MBINAS 00000022 010025 10027681  
 has been paid previously on 02 FC:1453 1500.00 DA  
 is enclosed herewith.

[Page 1 of 2]  
 This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature

Date

Kelly J. McCrystle  
Typed or printed name

46,257

Registration Number, if applicable

Abbott Laboratories, D377/AP6A-1, 100 Abbott Park Rd.

Address

650-474-3326

Telephone Number

Abbott Park, IL 60064-6008  
Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

9/14/2005

Date

Signature

Kelly J. McCrystle

Typed or printed name of person signing certificate